

FILED

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

6 Attorneys for Defendant
7 Edgewater Consulting Group, LLC

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11
12 FRANK MILLER,

13 Plaintiff,

14
15 vs.

16 EDGEWATER CONSULTING
17 GROUP, LLC, DBA EDGEWATER
FINANCIAL SERVICES; PIONEER
18 CREDIT RECOVERY, INC.; and
DOES 1-100, Inclusive,

19 Defendants.
20
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CASE NO:

OV13-08235

STO
(SSd)

NOTICE OF REMOVAL

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 PLEASE TAKE NOTICE that defendant Edgewater Consulting Group, LLC,
3 dba Edgewater Financial Services (“Edgewater”), a Washington limited liability
4 company, hereby removes to this Court the state court action described below.

5 1. On August 27, 2013, a complaint was filed against Edgewater by
6 plaintiff Frank Miller (“Plaintiff”), in an action pending in the Superior Court of
7 the State of California in and for the County of Los Angeles, entitled *Frank Miller*
8 *v. Edgewater Consulting Group, LLC et al.*, Case No. KC066277. A copy of the
9 state court Summons and Complaint and the Civil Case Cover Sheet and
10 Addendum (collectively, “Complaint”) that was served on Edgewater is attached
11 hereto as **Exhibit A**.

12 2. This removal petition is timely under 28 U.S.C. § 1446(b) because
13 Edgewater was served on October 11, 2012.

14 3. This action is a civil action of which this Court has original
15 jurisdiction under 28 U.S.C. § 1331 and which may be removed to this Court by
16 Defendant pursuant to the provisions of 28 U.S.C. § 1441(a) in that the Complaint
17 asserts claims against Defendant allegedly arising under 15 U.S.C. § 1692 *et seq.*
18 (the “Fair Debt Collection Practices Act”) and 47 U.S.C. § 227 (the “Telephone
19 Consumer Protection Act”). *See* Exhibit A, Complaint, ¶¶ 1, 19-28.

20 4. As the Complaint was filed in the Superior Court of the State of
21 California, County of Los Angeles, venue in this District is proper. *See* 28 U.S.C.
22 § 1441(a) (providing for removal “to the district court of the United States for the
23 district and division embracing the place” where the state court action is pending);
24 28 U.S.C. § 84(c)(2) (Central District, Western Division comprises, *inter alia*, the
25 county of Los Angeles).

26 5. Co-Defendant PIONEER CREDIT RECOVERY, INC. (“Pioneer”)
27 consents to the removal of this action. A true and correct copy of Pioneer’s consent
28 form is attached hereto as **Exhibit B**.

Exhibit A

**SUMMONS
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

Edgewater Consulting Group, LLC, dba Edgewater Financial Services;
Pioneer Credit Recovery, Inc.; and DOES 1-100, Inclusive,

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Frank Miller

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ORIGINAL FILED

AUG 27 2013

**LOS ANGELES
SUPERIOR COURT**

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Superior Court of the State of California
County of Los Angeles, East District, Pomona Courthouse South,
400 Civic Center Plaza, Pomona, CA 91766

CASE NUMBER:
(Número del Caso)

KC066277 H

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Ian Chowdhury (sbn199018), 8853 Fullbright Ave., Winnetka, CA 91306, ph.:818-407-0510

DATE: **AUG 27 2013**
(Fecha)

JOHN A. CLARKE

Clerk, by
(Secretario)

E. FREGOSO

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): Edgewater Consulting Group, LLC
dba Edgewater Financial Services
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☒ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

**CASE ASSIGNED FOR
ALL PURPOSES TO
JUDGE BRUCE MINTO
DEPT. H**

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Ian Chowdhury (199018) Law Office of Ian Chowdhury 8853 Fullbright Avenue Winnetka, CA 91306 TELEPHONE NO.: 818-407-0510 FAX NO.: 818-337-2215 ATTORNEY FOR (Name): Frank Miller		FOR COURT USE ONLY ORIGINAL FILED AUG 27 2013 LOS ANGELES SUPERIOR COURT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS Angeles STREET ADDRESS: 400 Civic Center Plaza MAILING ADDRESS: CITY AND ZIP CODE: Pomona BRANCH NAME: Pomona Courthouse (South)		CASE NUMBER: KC066277 JUDGE: H DEPT:
CASE NAME: Miller v. Edgewater Consulting Group, LLC et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (18) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |

3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify):

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 8/23/2013
Ian Chowdhury

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*If the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other P/DP/DWD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other P/DP/DWD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/DP/DWD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other P/DP/DWD

Non-P/DP/DWD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-P/DP/DWD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller
Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*If the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

SHORT TITLE: Miller v. Edgewater Consulting Group, LLC et al.	CASE NUMBER: KC066277
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL ³ ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Other Personal Injury/ Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

SHORT TITLE: Miller v. Edgewater Consulting Group, LLC et al.	CASE NUMBER: KC066277
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/ Wrongful Death Tort	Business Tort (07)	<input checked="" type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Real Property	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE: Miller v. Edgewater Consulting Group, LLC et al.	CASE NUMBER: KC066277
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above		
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.		
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.		
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.		
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.		
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.		
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.		
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.		
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.		
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.		
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.		
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.		
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.		
	Miscellaneous Civil Complaints	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.	
		Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.	
		Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 8. 2., 3., 8. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 8.

SHORT TITLE Miller v. Edgewater Consulting Group, LLC et al.	CASE NUMBER KC066277
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.	ADDRESS: 16217 Flamstead Drive	
CITY: Hacienda Heights	STATE: CA	ZIP CODE: 91745

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Pomona (South) courthouse in the East District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: 8/23/2013


(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

NOTICE SENT TO:

CHOWDHURY, IAN D., ESQ
8853 FULLBRIGHT AVENUE
WINNETKA CA 91306

FILED
ORIGINAL FILED

AUG 27 2013

LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

FRANK MILLER

Plaintiff(s),

VS.

EDGEWATER CONSULTING GROUP, LLC
Defendant(s).

CASE NUMBER

KC066277

**NOTICE OF CASE
MANAGEMENT CONFERENCE**

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve this notice of hearing on all parties/attorneys of record forthwith, and meet and confer with all parties/attorneys of record about the matters to be discussed no later than 30 days before the Case Management Conference.

Your Case Management Conference has been scheduled for January 28, 2014 at 8:30 am in Dept. EA H
at 400 Civic Center Plaza, Pomona, California, 91766.

**NOTICE TO DEFENDANT: THE SETTING OF THE CASE MANAGEMENT CONFERENCE DOES NOT EXEMPT THE
DEFENDANT FROM FILING A RESPONSIVE PLEADING AS REQUIRED BY LAW.**

Pursuant to California Rules of Court, rules 3.720-3.730, a completed Case Management Statement (Judicial Council form # CM-110) must be filed at least **15 calendar days** prior to the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference.

At the Case Management Conference, the Court may make pretrial orders including the following, but not limited to, an order establishing a discovery schedule; an order referring the case to Alternative Dispute Resolution (ADR); an order reclassifying the case; an order setting subsequent conference and the trial date; or other orders to achieve the goals of the Trial Court Delay Reduction Act (Gov. Code, section 68600 et seq.)

Notice is hereby given that if you do not file the Case Management Statement or appear and effectively participate at the Case Management Conference, the Court may impose sanctions pursuant to LASC Local Rule 7.13, Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.360 and 583.410, Government Code Section 68608 (b), and California Rules of Court 2.2 et seq.

Date: August 27, 2013

F. BRUCE MINTO
Judicial Officer

CERTIFICATE OF SERVICE

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named above:

[] by depositing in the United States mail at the courthouse in Pomona, California, one copy of the original filed herein in a separate sealed envelope to each address as shown above with postage thereon fully prepaid.

[] by personally giving the party notice upon filing the complaint.

Date: August 27, 2013

John A. Clarke, Executive Officer/Clerk

by [Signature] Deputy Clerk

ORIGINAL FILED

AUG 27 2013
LOS ANGELES
SUPERIOR COURT

1 Ian D. Chowdhury (Bar No. 199018)
2 Law Office of Ian Chowdhury
3 8853 Fullbright Avenue
4 Winnetka, CA 91306
5 Telephone: (818) 407-0510
6 Facsimile: (818) 337-2215
7 Email: ian@ianchowdhury.com

8 Attorney for Plaintiff
9 Frank Miller

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF LOS ANGELES

12 Frank Miller,

13 Plaintiff,

14 v.

15 Edgewater Consulting Group, LLC, dba
16 Edgewater Financial Services; Pioneer Credit
17 Recovery, Inc.; and DOES 1-100, Inclusive,

18 Defendants.

Case No. KC066277

H

COMPLAINT

VIOLATIONS OF FDCPA, TCPA AND
UNFAIR COMPETITION LAWS

DEMAND FOR JURY TRIAL

CASE ASSIGNED FOR
ALL PURPOSES TO
JUDGE BRUCE MINTO
DEPT. H

I. INTRODUCTION

1
2
3 1. Plaintiff brings this case pursuant to the Fair Debt Collection Practices Act
4 (“FDCPA”), 15 USC § 1692 et seq., the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C.
5 § 227 et seq. and pursuant to California’s unfair competition laws (“UCL”) California Business &
6 Professions Code § 17200 et seq.

7 2. Three main categories of conduct are at issue: First, Defendants Edgewater
8 Consulting Group, LLC dba Edgewater Financial Services (“Edgewater”) and Pioneer Credit
9 Recovery Inc. (“Pioneer”) attempted to collect money from Plaintiff Frank Miller by falsely telling
10 Miller that their (Defendants’) collection efforts were sanctioned by the U.S. Department of
11 Education (the “DOE”). Defendants’ false statements were designed to cloak Defendants’
12 improper collection activities with a false aura of legitimacy. In actuality, the DOE never
13 authorized Pioneer to delegate collection responsibilities to Edgewater, and Defendants did not
14 follow the consumer and privacy protection standards that the DOE requires of its legitimate
15 contractors.

16 3. Second, Defendants’ conduct during collection phone calls violated the law.
17 Defendants called Miller’s elderly father for the improper purpose of pressuring him into taking-on
18 the role of a proxy-debt collector against his son, which caused turmoil between Miller and his
19 father and humiliation and emotional distress for Miller. During later phone calls, Defendants
20 made misrepresentations directly to Miller.

21 4. Third, in violation of the TCPA, Defendants engaged in a campaign of robo-calls
22 against Miller, to an unlisted cell phone number, despite the fact that there was no prior consent to
23 receive such calls.

II. JURISDICTION AND VENUE

24 5. This Court has personal jurisdiction over Defendants because Defendants conduct
25 substantial business in Los Angeles County, have sufficient minimum contacts with this state, and
26 otherwise purposely avail themselves of the markets in this state through their collection activities.
27
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6. Venue is proper in Los Angeles County pursuant to Code of Civil Procedure Sections 393 and 395 because Defendants do business in Los Angeles County and receive significant payments from customers in Los Angeles County, and a substantial part of the events or omissions giving rise to the claims occurred in Los Angeles County.

III. PARTIES

7. Plaintiff Frank Miller is a natural person and a resident of Los Angeles, California, in the County of Los Angeles.

8. Defendant Edgewater Consulting Group, LLC dba Edgewater Financial Services is, on information and belief, a limited liability corporation registered in Washington State, and doing business throughout California, including in Los Angeles County.

9. Defendant Pioneer Credit Recovery, Inc. is, on information and belief, a Delaware corporation. It does business in California, including in Los Angeles County.

10. Defendants acted each on their own behalf and also through one another and on each other's behalf, by agreement, to commit the acts alleged herein. Each defendant is an agent or apparent agent for all other defendants, and is directly and vicariously responsible for their actions, either by agreement or by operation of law, including, inter alia, the laws of actual or apparent agency, and conspiracy.

11. The true names and capacities, whether individual, corporate, associate, representative, or otherwise, of defendants named herein as DOES 1-100 are unknown to plaintiffs at this time, and are therefore sued by such fictitious names pursuant to Code of Civil Procedure Section 474. Plaintiffs will amend this complaint to allege the true names and capacities of DOES 1 through 100 when they become known to plaintiffs. Each of DOES 1 through 100 is in some manner legally responsible for the violations of law alleged herein.

12. The acts charged in this Complaint as having been done by defendants and the DOE defendants were authorized, ordered, or done by their officers, agents, employees, or representatives, while actively engaged in the management of the defendants' businesses or affairs.

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IV. GENERAL ALLEGATIONS

13. On or about January 25, 2013, Defendants sent a collection letter to Miller, stating that "the U.S. Department of Education has authorized Pioneer Credit Recovery, Inc. to subcontract the servicing of your account to Edgewater Financial Services" and stating that Miller "must contact" Edgewater to arrange payments, and also stating that Pioneer and Edgewater would be entitled to "up to 25% of the dollar amount collected" on Miller's alleged account. Defendants' false assertion that Edgewater is authorized by the DOE carries with it a host of other implied representations. These implied representations include that Edgewater is a legitimate collection company that has been properly vetted by the DOE; that Edgewater has undergone a stringent approval process by the DOE; that Edgewater personnel are properly trained and will conduct collection activities with a high level of professionalism, and that Edgewater will maintain stringent safeguards concerning the privacy of individuals from whom Edgewater would seek to collect, ostensibly on behalf of the U.S. government.

14. In actuality, the DOE never authorized Pioneer to subcontract any collection activities to Edgewater. Edgewater has never been approved by the DOE to perform any collection activities. On information and belief, Edgewater does not have the infrastructure in place to implement privacy protection measures required of DOE contractors, nor does it have the technology required to allow phone call monitoring by DOE personnel, as is also required of DOE contractors. Edgewater's personnel are not sufficiently trained in proper collection and privacy protection protocols, and certainly Edgewater's personnel do not conduct themselves in a professional manner or in conformity with the FDCPA when interacting with the public

15. On or about January 22, 2013, an individual from Edgewater who identified himself as "Luis" placed a telephone call to Miller's 80-plus-year-old father. Luis was belligerent and aggressive towards Miller's father, and also disregarded Miller's privacy by stating to Miller's father that Miller owed money on his student loan. Luis recruited Miller's confused and elderly father by intimidating Miller's father into contacting Miller with collection requests on behalf of Edgewater. Luis also intimidated Miller's father into providing an unlisted cell phone number at which Edgewater could try to contact Miller. Miller's father initially refused to provide the cell

1 phone number, but Luis brow-beat the elderly man into doing so, and also intimidated Miller's
2 father into contacting Miller on Edgewater's behalf and telling Miller to pay Edgewater.

3 16. When Miller's father then contacted Miller on Edgewater's errand, conflict ensued
4 between Miller and his father snowballing into significant upheaval and emotional distress for
5 Miller. The upheaval in the relationship between Miller and his father also led to mental and
6 emotional deterioration for Miller's father so severe that it required Miller to have to expend funds
7 to travel to New Mexico to retrieve his father and to arrange for new living accommodations and
8 professional mental care for him in California where Miller could better monitor him.

9 17. On or about January 28, 2013, a woman from Edgewater contacted Miller at the
10 unlisted cell phone number that Luis had wheedled from Miller's father. Miller asked where the
11 woman had obtained the phone number, and Luis himself, apparently monitoring the call, broke-
12 into the conversation screaming, "my answer to you is are you gonna pay this or not?" Thereafter,
13 Defendants placed additional calls to the unlisted cell phone, making misrepresentations to Miller
14 each time. In or around early March of 2013, an Edgewater caller told Miller that if Miller
15 provided his credit card number to enable an easy \$5/month payment plan, then in nine months
16 Miller's student loan would be taken out of "default" status. The caller explained that the
17 \$5/month plan could not be provided in writing, because it was a "secret" DOE program that could
18 not be publicized. These were false representations intended to persuade Miller to provide his
19 credit card number. During another call in March of 2013, Luis again spoke to Miller, and told
20 Miller that a new law had just been passed that would prevent Miller from renewing his California
21 State Bar membership and continuing as a licensed attorney if Miller did not begin making
22 payments to Edgewater. In fact, there was (and is) no such law.

23 18. Additionally, Pioneer initiated a campaign of robo-calls using an automatic
24 telephone dialing system from 732-379-5510 to the cell phone number that Luis had wheedled out
25 of Miller's father, and then leaving messages on the associated cellular telephone service by means
26 of an artificial or pre-recorded voice. Such calls (and messages) occurred on at least (but are not
27 limited to) March 20, 2013 at 11:39AM, March 21, 2013 at 9:16AM, and April 2, 2013 at
28

1 12:32PM. At no time has Miller or anyone else consented to receive collection or solicitation calls
2 at the cell phone number where these calls were received.

3 **FIRST CAUSE OF ACTION**
4 **(FAIR DEBT COLLECTION PRACTICES ACT)**
5 **(ALL DEFENDANTS)**

6 19. Plaintiff re-alleges and incorporates by reference each and every allegation contained
7 above, except to the extent that any such allegations are inconsistent with the allegations in this
8 cause of action, in which case any such inconsistent allegations in the instant claim are made in the
9 alternative.

10 20. Defendants are debt collectors under the terms of the Fair Debt Collection Practices
11 Act, and by doing the things alleged herein, were engaged in the attempted collection of consumer
12 debts and were legally bound to comply with the proscriptions of the Act.

13 21. Defendants violated at least the following provisions of the Act: 15 U.S.C. Sections
14 1692c(b), 1692e and 1692f, including the subsections thereof.

15 22. Defendants' violations of the FDCPA include misrepresentations that DOE had
16 approved of Edgewater's collection activities and the false implications that Edgewater's conduct
17 therefore met DOE standards of accuracy, professionalism and privacy protection. Further
18 misrepresentations concerned non-existent repayment programs and false threats that Miller's
19 license to practice law hinged on paying Defendants.

20 23. Defendants' violations of the Act include unfair collection activity such as making
21 the aforementioned misrepresentations, recruiting Miller's father as a defacto collector, and placing
22 robo-calls to an unlisted cell phone number without consent.

23 24. WHEREFORE, Plaintiff respectfully requests that this Court grant such relief as is
24 requested in the below Prayer for Relief.

25 **SECOND CAUSE OF ACTION**
26 **(TELEPHONE CONSUMER PROTECTION ACT)**
27 **(ALL DEFENDANTS)**

28 25. Plaintiff re-alleges and incorporates by reference each and every allegation
contained above, except to the extent that any such allegations are inconsistent with the allegations

1 in this cause of action, in which case any such inconsistent allegations in the instant claim are made
2 in the alternative.

3 26. Defendants violated the TCPA in infringed upon Plaintiff's rights under that act, by
4 making calls other than calls for emergency purposes, and without consent of the called party,
5 using an automatic telephone dialing system or an artificial or prerecorded voice to Plaintiff's
6 cellular telephone service.

7 27. On information and belief, Defendants, in pertetrating these calls, willfully or
8 knowingly violated 47 U.S.C. § 227(b).

9 28. WHEREFORE, Plaintiff respectfully requests that this Court grant such relief as is
10 requested in the below Prayer for Relief.

11 **THIRD CAUSE OF ACTION**
12 **(UNFAIR COMPETITION LAW)**
13 **(ALL DEFENDANTS)**

14 29. Plaintiff re-alleges and incorporates by reference each and every allegation
15 contained above, except to the extent that any such allegations are inconsistent with the allegations
16 in this cause of action, in which case any such inconsistent allegations in the instant claim are made
17 in the alternative.

18 30 Defendants' conduct as described above constitutes unlawful, unfair and fraudulent
19 business acts or practices under Business and Professions Code § 17200 et seq.

20 31. Plaintiff suffered injury in fact and has lost money or property as a result of the acts
21 of unfair competition described above.

22 32. Plaintiff is informed and believe that the illegal conduct alleged herein is continuing
23 and that Defendants will not voluntarily cease such unless restrained by the Court.

24 33. WHEREFORE, Plaintiff respectfully requests that this Court grant such relief,
25 including equitable relief, as is specified in the below Prayer for Relief.
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1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiffs on behalf of themselves and all others similarly situated, pray for
3 the following:

- 4 A. Actual damages in an amount according to proof, but at a minimum amounting to
5 the \$25,000 threshold for unlimited jurisdiction matters;
- 6 B. Statutory damages of \$1,000 under the FDCPA at 15 U.S.C. § 1692k;
- 7 C. Statutory damages of \$500 per phone call in violation of the TCPA, pursuant to 47
8 U.S.C. § 227(b)(3);
- 9 D. Treble damages for each violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3);
- 10 E. An order enjoining Defendants from continuing the practices at issue in this
11 litigation.
- 12 F. An order granting attorney's fees and costs of suit;
- 13 G. An order granting such other and further relief as the Court may deem just and
14 proper.

15 **DEMAND FOR JURY TRIAL**

16 Plaintiff demands a trial by jury on all matters for which a jury trial is guaranteed.

17
18
19 Dated: August 23, 2013



20 Ian D. Chowdhury (Bar No. 199018)
21 Law Office of Ian Chowdhury
22 8853 Fullbright Avenue
23 Winnetka, CA 91306
24 Telephone: (818) 407-0510
25 Facsimile: (818) 337-2215
26 Email: ian@ianchowdhury.com

27 Attorneys for Plaintiff
28 Frank Miller

Exhibit B

1 TOMIO B. NARITA (SBN 156576)
tnarita@snllp.com
2 LINDSEY A. MORGAN (SBN 274214)
lmorgan@snllp.com
3 SIMMONDS & NARITA LLP
4 44 Montgomery Street, Suite 3010
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Telephone: (415) 283-1000
5 Facsimile: (415) 352-2625

6 Attorneys for Defendant
7 Edgewater Consulting Group, LLC

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 FRANK MILLER,

12
13 Plaintiff,

14 vs.

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16 EDGEWATER CONSULTING
GROUP, LLC, DBA EDGEWATER
17 FINANCIAL SERVICES; PIONEER
CREDIT RECOVERY, INC.; and
18 DOES 1-100, Inclusive,

19 Defendants.
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) CASE NO.:

) **CONSENT TO REMOVAL BY**
) **DEFENDANT PIONEER CREDIT**
) **RECOVERY, INC.**

1 TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD,
2 PLEASE TAKE NOTICE THAT:

3 WHEREAS, on August 27, 2013, a complaint was filed against defendants
4 Edgewater Consulting Group, LLC, dba Edgewater Financial Services, and Pioneer
5 Credit Recovery, Inc., by plaintiff Frank Miller in the action pending in the
6 Superior Court of the State of California in and for the County of Los Angeles,
7 entitled *Miller v. Edgewater Consulting Group, LLC, et al.*, Case No. KC066277.

8 WHEREAS, this action is a civil action of which this Court has original
9 jurisdiction under 28 U.S.C. § 1331 and which may be removed to this Court
10 pursuant to the provisions of 28 U.S.C. § 1441(a), given that the Complaint asserts
11 claims against Defendants, which arise under federal law, specifically, the Fair
12 Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*, and the Telephone
13 Consumer Protection Act, 47 U.S.C. § 227(b), *et seq.*;

14 WHEREAS, defendant Edgewater Consulting Group, LLC, dba Edgewater
15 Financial Services seeks to remove this action to this Court, and

16 THEREFORE, defendant Pioneer Credit Recovery, Inc. hereby consents to
17 the removal of this action.

18
19 DATED: November 6, 2013

On Behalf Of Pioneer Credit Recovery, Inc.

20
21 By: s/Kevin Dreyer
22 Kevin Dreyer
23 Managing Director and Associate
24 General Counsel for Sallie Mae, Inc.
(as authorized 11/06/2013)
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge S. James Otero and the assigned Magistrate Judge is Suzanne H. Segal.

The case number on all documents filed with the Court should read as follows:

2:13-CV-8235-SJO (SSx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

November 6, 2013

Date

By MDAVIS

Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:



Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012



Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701



Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.